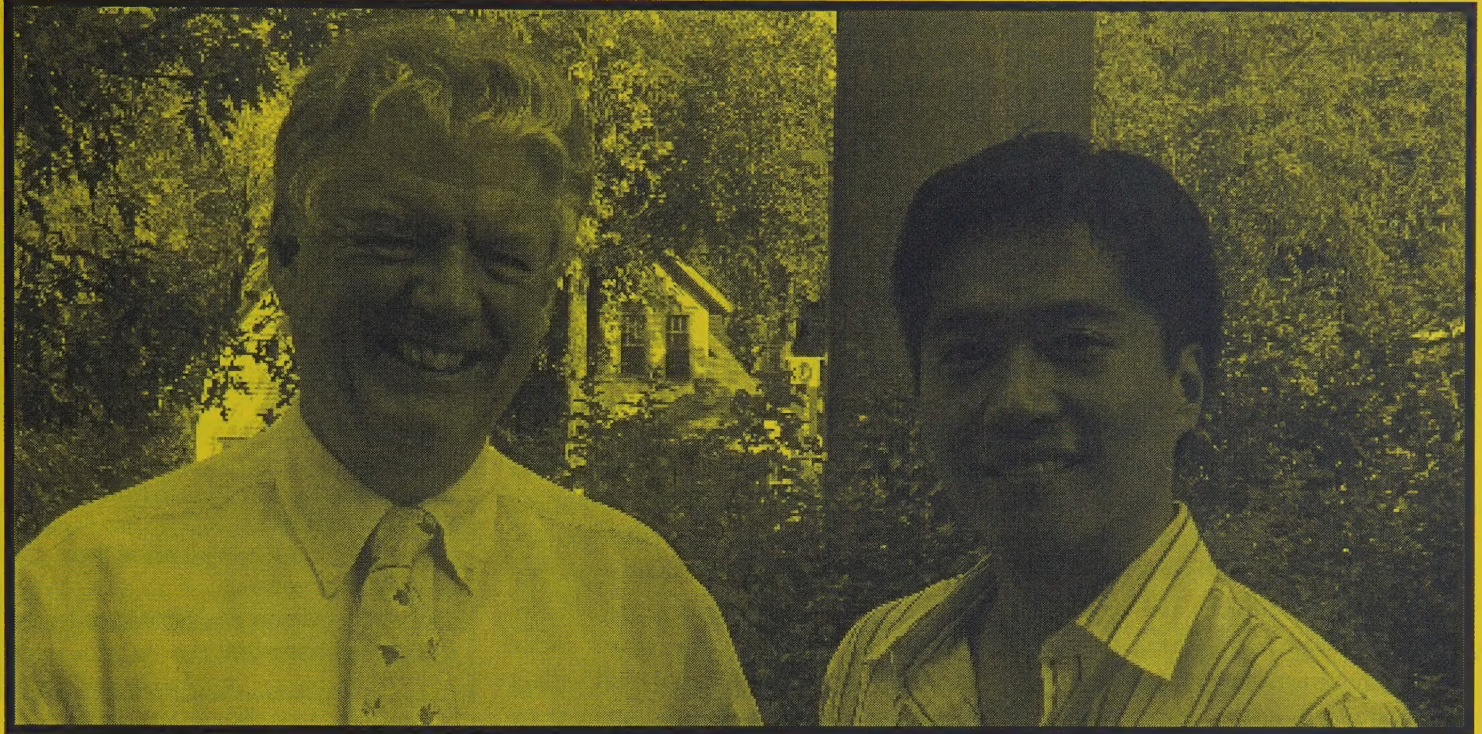


# Canons of Construction

VOLUME 38, NUMBER 1 | THE LAW STUDENTS' NEWSPAPER | SEPTEMBER 12, 2006



**DEAN DAVID R. PERCY**  
DEAN OF LAW

On behalf of the entire Faculty, I am delighted to welcome everyone to the new academic year. I would like to describe the changes in the building and the Faculty that have occurred since the end of exams last April.

Probably the most visible change has been the opening of a new coffee shop in the Gavel. After discussions with last year's LSA, we solicited proposals from people who might be interested in operating a small food service facility in the Faculty. I am delighted that Steve McDiarmid, whom many of you will know from Java Jive, has now opened "Hello My Friend" café in the Law School. Steve's new venture is already providing a variety of beverages, as well as a selection of bakery treats. He will also be introducing some light lunches and salads during the course of the term. I would very much like to thank David Bruch and his staff at Ancillary Services in Lister Hall for their assistance in accommodating our desire to have a small café in the law school.

The more studious among you may also have noticed that the library no longer has a first floor. We plan to commence construction of the MacInnis Centre on the first floor of the law school immediately after exams next spring. The Library has reconfigured the collection and integrated many of the materials formerly found on the first floor with the remaining collection on the second and third floors of the Library. The materials that have been removed remain available in electronic form and can be obtained in hard copy on 24 hours' notice

...Continued on page 12...

**MARK FACUNDO**  
LSA PRESIDENT (3L)

Firstly, a warm and hearty "welcome back" to all of you returning from wherever the summer winds took you, and kudos to you for not succumbing to the temptation of dropping out of law school to follow your dream of becoming a pirate. Perhaps that was just me. However, this article is not directed at you seasoned 2L and 3L veterans, but instead to you fresh-faced 1L's that I see wandering the halls with that slightly dazed look in your eyes. It's ok. Relax. We all went through the same thing, it seems like only yesterday that I nervously awaited my first Torts class, not knowing exactly what a tort was, other than sounding like a delicious baked treat, and expressing my disbelief that my professors seemed to think I was proficient in Latin. To this day, that *ultra vires* sounds pretty scary to me, and I hope it's not contagious (you'll get that joke in about 2 weeks ... it still won't be funny). Law school can be a pretty overwhelming place at times, but I promise you, not only will you get through the next 3 years, you'll have a blast doing it.

I know that I've already talked to you *ad nauseam* (hmmm... maybe I do know Latin... awesomeus) about what the Law Students' Association is and what does for you, but let me just sum up. Our job, in a nutshell, is to make sure you guys have the best law school experience possible. That means acting as your representative to the faculty at the law school, and to the rest of the university as well, to address any concerns you may have. It means making sure that you don't get overwhelmed with the workload in the coming months, and to

...Continued on page 12...



# Q & A WITH THE FIRST YEARS

VISTA POURBAHRAMI (3L)

Welcome first years to law school, or as some of you will experience, high-school version 2.0!

How was orientation, class of 2009? I assure you there will be no other time when your professors and Dean Percy will slave over a barbeque to serve you hamburgers! Filled with colourful outfits (as the Canons picks for "You spent more than five minutes getting ready for Orientation" will reveal), scared expressions, lively upper year volunteers, and enough free swag to fill several free laundry bags, this years orientation went off without a hitch. The mix of students is quite impressive as well as the enthusiasm which made me reminisce about the not so distant past when the 2007 grads were waiting for their cookies and coffee and green clipboards. Something new with the orientation process this year is that the small group leaders meet with their small group members on a regular basis till October, giving the first years further opportunities to ask questions.

As the "roving reporter" I managed to corner a few of these enthusiastic first years and ask them about the questions that were on their minds. For example, **Jeff Zikowsky** asked whether he will have time to visit his friends in Kelowna throughout the year. Jeff, I suggest you always take the time to relax and visit home because when you return you will have the energy and patience to endure the "lovely" Edmonton

winter. **Krista Lidstone** wondered which clubs are the best to join, and I would answer that by saying that Club's Fair will give you a great perspective on what is for you and what is not. Getting involved is what makes an otherwise good Law School experience great. **Hugh Hammond** asked about the typical amount of reading hours per week, and of course there is no one answer to that because I still find myself aggravated by those who barely read at all and manage to get the best grades. If you have a photographic memory apparently reading the casebook the night before an exam is sufficient, grr! **Elena Semenova** asked about the craziest things that upper year students have done at law parties, and I am sure you will receive a colourful array of answers (and denials!) and observe interesting sights as the year's social events fly by. **Stefan Kreptal** on the other hand was curious about the amount of alcohol necessary to get one through the first year moot, and to that I would say do not stress Stefan, because half (if not more) of your classmates do not look forward to the moot so you will have plenty of company at Hudsons once the experience is over.

At the end of the day, some questions were left

unanswered. Truth be told, those will be the ones you will learn from the most, you will find your own answers, and next year will be sharing with first years your bit of insight.

## COMMENTS? SUGGESTIONS?

Canons would like to know what you think of this or any of our issues. We have a 'Comments Box' in the library, or e-mail us [canons@ualberta.ca](mailto:canons@ualberta.ca).

## JOIN CANONS!

Come check out our booth at the Club Fair, or write us: [canons@ualberta.ca](mailto:canons@ualberta.ca). We'd love to exploit use have you.

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## Canons of Construction

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Canons of Construction is the official Law Student Newspaper of the University of Alberta Law Faculty. Canons' principal objectives are to provide equitable and judicious coverage of issues and events germane to Law Students at the University of Alberta and to provide an open forum for the free exchange and expression of thought, opinions and ideas.

All law students and interested parties in the legal community are encouraged to contribute submissions, provided that contributions are accompanied by name, student number and telephone number. Canons reserves the right to edit submissions for content, length, and legality. Canons will not publish materials deemed by the board to be racist, sexist, homophobic or libelous. Ideas and opinions expressed in Canons do not necessarily reflect the views of the Canons board.

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# TO ALL 1LS: KEYS TO SUCCESS

## COREY SANDQUIST (2L)

Welcome to all the bright eyed, eager, first year law students. Congratulations on making it this far, and now you are all probably wondering what the next three years are going to be like. You are all probably also wondering about the keys to success. Well, I'm going to tell you some things to do, things not to do, and either put you at ease or send you running out the doors...and into Hudson's.

*You are not a superstar anymore*

Yes, it is true there is a gold medalist every year, and there are people with exceptionally high marks. However, no matter how much of a superstar you were in undergrad this is likely not going to be you in law school. You are now competing with 170 other superstars in your classes. I know that (just like the upper years all did) you are telling yourself this will be you: you will be that one person that gets the A+. Well, don't count on it. If you really want to try, go for it, but I would recommend not killing yourself in the library and rather being active in the law school and legal community... its not just about grades anymore.

*Don't stress about the first four months*

Unless you are some amazing prodigy, your study habits will change around three to five months in. Studying the law is simply different than anything you have done before. It takes some time to understand what to look for and how to analyze a case or statute.

*LRW is an essential class*

Okay, I'm sure the upper years will warn

you about how incredibly boring and frustrating LRW can be at times. However, you must realize that what you learn to do in this class is what you do as a lawyer...research and advocacy. So suck it up.

*Foundations isn't such a bad course*

Here is another place I'm sure at least some upper years will disagree with me. Your Foundations class is designed to introduce you to the rule of law and to indoctrinate you. Do not be afraid to be indoctrinated. To become a good lawyer you must believe in what you are doing, and being indoctrinated into the rule of law is essential.

*Your professors know more than you*

There are definitely the students out there that believed they were smarter than their profs in undergrad. Well, good for you. However, you must realize now that these profs are profs for a simple reason: they know more than you, a lot more. Listen to them, not just about lecture material but also about life. Overall we are lucky enough to have a very reputable faculty.

*Your relationships will change*

Law school is very stressful at times. When you are placed in a situation with 170 other people going through the exact same thing, you will develop tight relationships quickly. Even if you are not the best of friends, we have a very social faculty and you will probably get to know a lot of people. It is because of this that your relationships outside of law will probably take a bit of a strain. Simply, you can only be in one place at a time and there are not enough hours

in the day to do everything. So, be prepared for that one.

*Join clubs and go to the social events*

As I mentioned, we are an extremely social faculty. We have so many social clubs and events throughout the year and I encourage you to attend as many as possible. You will get to know people more quickly and have an absolute blast in the process. It also helps to alleviate some of the stress and apprehension that you will no doubt be experiencing. I especially recommend joining the rugby club. It is more of a social club and is for all people, non-athletic and athletic alike.

*Upper years can be your best friends*

Get to know the upper years!!!! Most of us are social and are more than willing to help out first years. You *can* actually just stop us in the hallway or library if you are lost or need help with something, and don't be afraid to introduce yourself. You have chosen a career where at some point you will have to talk to people, so might as well start now. I can personally say that they made it a lot easier and were a substantial help during exam times and memo times (something to look forward to).

This is all the advice I have for you. No doubt you will be hearing similar things from your profs, at orientation, and from the other upper years. No doubt that some of you will disregard some of this advice, just like most of us did, and not accept it until about four months in. Well, I suggest you save yourself four months. You can tell the first years after you that you were not one of the few who disregarded the advice we gave to you, and what you will in turn give to them.

## 1L ESSENTIALS

### ALLISON ENG (3L)

#### Coffee.

People say that caffeine is bad for you. Well, so is a C-minus or worse from your 100% finals.

Caffeine comes in several disguises, most effectively in the form of coffee. When I first started law school, I resisted coffee fiercely. I'd lecture others about its dangers – how it's addictive, how frequently you'll have to go (and while we're on the same color, let's not forget about yellow teeth), how its costs add up, et cetera.

Blah, blah, blah. You'll thank me for sharing this success secret with you in advance.

Where can you get coffee? I started at Tim Hortons on 86 Ave. & 112 St. Most law

students get their coffee from Steve in The Gavel. Seattle's Best is available at Mac's on 87 Ave. Finally, for a cup of real coffee or for gelato, try Leva, which is two blocks south of the law school, on 86 Ave.

There is a reason for everything that happens to you in law school. When the Lexis Nexis rep at your Quicklaw orientation makes sure that you've received your complimentary coffee mug, think about it for a moment.

#### CANs. [Condensed Annotated Notes]

Since all of your 100% finals are likely open-book, your major assignment for the year, mooting aside, is to prepare concise summaries of each of your courses to help you perform your best during final exams. These are called CANs.

Preparing your own CAN is far more effective than relying on the ones sold by the

LSA, but, if properly used, the LSA's CANs can be of use to you as well.

CAN-ing begins with collecting raw data from class notes, sharing notes, taking personal notes from cases in the text, and any other notes from other resources (ie. books on reserve). What you end up with is several different approaches explaining a concept. Usually, the concept is a general principle or rule that may surface on your final exam fact pattern as an issue.

The first step is to capture the essence of the general principle (aka. ratio) in a single sentence. You should also cite the case(s) from which the principle is derived, along with any peculiar facts. Some profs recommend noting the judge who wrote the decision.

Next, account for the exceptions to the general principle and/or any conflicting

...Continued on page 13...



# SUMMER EXPERIENCES

## Summering at Davis & Company Denis Lefebvre (2L)

As my first year of law school was quickly coming to a close, I began to contemplate my plans for the summer. My original thoughts were to take a four-month holiday and read a few novels I had shelved over the past couple of years. Well, those novels are still on the shelf, as I accepted a summer job with Davis & Company.

On the first day of work, I began to think that perhaps a four-month holiday would have been preferable. I was intimidated and somewhat scared, perhaps because I was afraid I would not be able to measure up and contribute to the firm in any meaningful way. After all, I was but a lowly first-year student. However, if I were to rate the work environment at Davis on a scale of 1 to 10, I would most definitely give it a 10 without any hesitation. The supportive staff members and lawyers not only made me feel welcomed, they were also prepared to help in any way to make my experience at Davis positive and worthwhile.

I was very fortunate to have been assigned to a Principal who was an excellent coach and mentor. Greg Heinrichs, Q.C., one of the Senior Litigators, was very demanding and meticulous. He was also very patient and took the time to teach me many important concepts about the practice of law.

What I found most interesting about my experience at Davis is that reminded me about my first year teaching. While a B.Ed. degree gave me a solid general orientation to pedagogy and curriculum, I quickly learned that teaching is indeed a practice. That is, I didn't learn a darn thing in teacher's college. And it didn't take me long to find this out on my first day in front of a mob of 33 grade 7 students. Fast forward to my summer job - Mr. Heinrichs was very adept in using the Socratic method and would drill me with questions related to a case he was working on (of course, after having been briefed on the what where who and how of the case). Quite a humbling experience, I must say. I quickly came to the conclusion that I didn't know a heck of a lot about the practice of law.

Fortunately for me, working at Davis & Company provided me with much-needed exposure to the practice of law. And given the excellent experience at Davis, I'm glad that I decided to keep those novels on the shelf...for the time being.

## Summering at Gowlings Toronto Sean Moring (3L)

I spent the summer in Toronto working for Gowlings' advocacy department. I was given research projects on a wide variety of topics, including securities, employment law issues, defamation, and civil procedure. Sometimes I did work for matters that were before the courts, other times I was doing work to advise people on how to avoid liability. Most times I did not know the answer to the question I was being asked and the skills I learned in LRW became crucial to my job.

While I was in Toronto, I encountered what I will call "The Question" a lot. The Question is an inquiry about why I would leave oil-boom Alberta for Toronto. There are three reasons. The first is career. Toronto is, and for the foreseeable future will be, the business capital of Canada. Working here gives you the opportunity to regularly be involved in work of a scope and scale that is difficult to match elsewhere in Canada. The second is lifestyle. I love living in big cities. They are where I feel most comfortable and the Big Smoke has offers the nice urban lifestyle I am looking for. The third is that I am a huge Leafs fan. OK, I am not really a Leafs fan.

Picking one highlight from my summer is tough, but I think I would have to settle on a recent motion that I was able to help with. I had done a lot of research to help develop the arguments about why certain pleadings should be struck from a statement of defence. The lawyer who was arguing the motion asked the judge if it was OK for me to sit at counsel table (a first for me). During an intermission the lawyer and I were talking about how to get around the split authority on a certain point of law. I told him I remembered a case that might reconcile the two positions. I ran to the Great Library down the hall, got the needed case, and located the relevant section. When arguments resumed, we passed the case up to the judge. The next day the court faxed us its decision and we had won. The case we pulled from the library proved important in the judge's reasons. Seeing that I had an influence, on the way the issue was decided is a good feeling.

At the time of writing, I am down to my last three days of work and my last four days in Toronto. I am looking forward to coming back to Gowlings next year to article but in the short term I am really looking forward to spending one more year at the U of A.

## Non-Profit Volunteering Karin Stredulinsky (3L)

I spent the summer months volunteering with Pivot Legal Society, a non-profit legal advocacy organization, which works in the Downtown Eastside of Vancouver. Pivot is dedicated to advancing the interests and improving the lives of marginalized persons through law reform, legal education and strategic legal action. There are four primary areas which are the focus of Pivot's efforts: Addiction, Housing, Policing and Sex Work.

I chose to spend my summer volunteering with Pivot because I wanted to gain exposure to legal opportunities available outside of law firms, particularly those available in the public interest area of the law.

I spent the summer working under the direction of Pivot's main lawyer, on housing related issues. I devoted a significant portion of my time with Pivot researching and writing portions of a housing report which Pivot will be releasing in September, which examines the housing situation in the Downtown Eastside and the social services and legislation which create this situation. From my very first hour of volunteering, in which I was handed a file and was asked to write a Statement of Claim, I was given hands-on legal experience. Throughout the summer I wrote Statements of Claim, Quantum Damage memos, research memos, sat in on settlement conferences, attended pre-trial hearings, and ran a residential tenancy arbitration. It was a great experience, both in terms of the practical legal knowledge which I gained and in terms of the invaluable insight it gave me into an area of law which I have an interest in practicing in.

I would strongly encourage anyone considering a non-traditional legal career to attempt to fit volunteer time with an organization of interest into their schedule. The legal experience is invaluable, but it is eclipsed by the opportunity which volunteering affords to get a flavour for what practicing in a specific area of law would realistically entail.

Got any stories to share? Write us!  
We don't pay well (or at all) but think of  
the bragging rights!

canons@ualberta.ca



# MORE SUMMER EXPERIENCES

## Life at Legal Aid

**Jonathan Tieman (3L)**

I spent the last two summers in Medicine Hat working for the Legal Aid Society of Alberta as a Legal Aid Officer. While I did not work on any high profile criminal cases nor did I do any interesting solicitor work for a law firm, I had an extraordinary experience that I know will shape my future legal practice and career.

Legal Aid hires lawyers for individuals who can not afford to hire lawyers for themselves. They not only get involved in criminal matters but also family law matters and, in the rare case, civil matters. My job was interviewing Legal Aid clients and getting them lawyers when appropriate. While it is understandable that most of the time I was not dealing with upstanding members of the community I did have the odd surprise. On one occasion a client was appealing a decision to refuse her coverage and made a personal appearance before the Regional Legal Aid Committee. When I went out into the lobby to bring her into the meeting I was surprised to find that she had brought an advocate with her – the Mayor of the city. So I was faced with the odd occasion of having both a reasonable, rational and upstanding member of the community accompany an irrational, unreasonable client. Needless to say, her appeal was still denied.

One of my most memorable clients was a single mother who I was interviewing for a family law matter. She was in a custody dispute with her former common law partner. While she had de facto custody of the children since the separation, the children were not returned after the father last had access. However, when she attended the interview she came with her 8 month old daughter. I questioned her about this. Apparently, on her way up to the legal aid office she passed the social assistance office – the father was in the office with their two children. She grabbed the one daughter and her diaper bag and quickly attended our office for our interview, while the father was distracted. Not surprisingly, half way through our interview a man attends the office and yells at the secretary demanding to see his daughter. The secretary played dumb and he left – but not before booking an appointment to see me the next day.

By the end of the summer I had interviewed over 200 clients and got lawyers for 70% of them. I had developed professional relationships

with almost half of the bar in Medicine Hat and had secured myself a fairly comfortable article position. I met every range of the destitute in society and helped a large percentage of them. Most of all, I had a very memorable experience, made good money, and learned a lot more about how the law affects the average person than I could every had learned in law school.

## SLS: Getting Paid for Fun

**Matthew Kachur (2L)**

I spent my summer working for Student Legal Services (SLS). After my first year of law school, I really wanted a summer job that had a law aspect to it; SLS seemed like the ideal choice as it would provide me with law experience in a relatively low stress environment. Since high school I have spent my summers working construction up north in the Fort McMurray area. Although the money was great, the hours were extremely long and I was out of town the whole summer. This year, I wanted a job that was fun, interesting, in Edmonton, and law related. After talking with a few upper year students it seemed like the SLS summer job would be the perfect match. Looking back on my experiences, it really was.

I worked for SLS as part of the legal reform and education project. As part of project I visited homeless shelters, lectured to ESL groups, judged mock trials for high school students, ran law camps for local youth groups and even ran my own trial! I garnered valuable experience and knowledge while having the time of my life.

Although work was rewarding, the best time I had this summer was my trip to Vancouver. I went to visit one of my best friends and to live like a tourist in the city that so many Vancouverites brag about. In one word, the experience was breathtaking: I went roller-blading along the seawall, chilled on the beach, visited downtown, taught some city folk how to two-step, and spent a night in Whistler. The whole time the sun was shining without a cloud in the sky! It was one of the best times I have ever had and I can't wait to go back.

The funniest or most comical moment of my summer isn't a moment at all, but rather the experience as a whole. Everyday at the office there was something new that made me laugh: inside jokes, pranks, experiences at outreaches,

etc. If I am forced to pick one particular moment as being the funniest, it would have been when we were on one of our many camping trips. A fellow law student decided to parade around the lake in a leopard skin thong. It was really funny until he decided to go tubing...let's just say that his backside ended up being redder than a garden fresh tomato (for the curious, there are pictures).

Overall my summer was really fun, filled with great moments that were complimented by a rewarding work experience. I know that it seems like I'm pushing SLS like a used car salesman, but I really had a great time doing it. The job was fun, the people were great, and it was an unbelievable learning experience. I would recommend working for SLS during the summer to first year students.

## Summer Securities

**Chris Harris (3L)**

I spent my summer working in the Corporate Finance Department of the Alberta Securities Commission in Calgary. I applied to the ASC for a summer job because I had an interest in securities law. The Corporate Finance department has many functions, including the drafting and implementation of securities policies, the review of prospectuses, and the issuing of exemptions and orders. I spent the first half of my summer helping the oil and gas group as they worked on revisions to the oil and gas disclosure policy. I then spent part of the summer researching and drafting orders for companies that had filed for an exemption. I finished the summer once again assisting the oil and gas group as they finalized the amendments to the policy. Throughout the summer I also provided assistance on several miscellaneous assignments. The best part of my summer experience was getting to know the people who regulate the securities markets in Alberta and throughout Canada. It was also beneficial to learn how they view the function of a securities regulator, and how they approach issues. I was also pleased to learn a great deal about the oil and gas industry from the ASC's geologists and engineers.



# THE CFL: OUR BALLS ARE BIGGER

JASON GIBORSKI (2L)

This weekend marked the kickoff to the NFL season and another year of the world's "best" brand of football. After watching the end of the Cowboys/Jaguars game on Sunday, there is no way I can call the NFL the best brand of football out there.

The NFL certainly has the best talent, and the best marketing, and when it comes to professionalism, they are second to none. Conversely, while the CFL has some great talent, they aren't at the level the NFL is. And although the CFL has done a lot to improve their image over the last few years, the recent ownership problems with the Ottawa Renegades still gives people the perception that the CFL is "bush league".

But when it comes to on field product, their can be no comparison, the CFL wins hands down. A few weeks ago I'm sitting in my living room watching my Stampeders battle the Alouettes at McMahon. With 55 seconds left Sandro DeAngelis of the Stampeders kicks a 51 yard field goal to tie the game up. In the CFL, the way the clock operates, should the Stampeders defense come up big, the Stamps would still have a chance to get the ball back. This type of thing is unheard of in the NFL. The Stamps manage to get the ball back with 30 seconds left. Burris marches them down the field and with no time left on the clock, DeAngelis boots a 53 yarder for the win.

It wasn't the win by my home team that made that game so exciting, the losses

can be just as compelling. I was lucky enough to enjoy my first game at Commonwealth Stadium on Friday night. Calgary had the game well in hand with around 3 minutes left. Edmonton gets the ball back and Ricky Ray takes the home team down the field to win the game with 6 seconds left. It was the greatest Stampeders' loss I've ever been witness to. My friend then turns to me and says, "well if you gotta lose, that's sure an exciting way." And I had no disputes.

I've often heard the CFL/NFL relationship compared to that of the NBA/NCAA. The Final Four tournament is extremely exciting, more so than any NBA game I've ever seen. Everyone knows the NBA has more talent but that doesn't matter, the games are exciting and that's what keeps people coming back.

Most people watch sports for the stories, for the way it pulls at our emotion, the way it makes our hearts pound when your team's defense is trying to stop the surging offense with 6 seconds left in the fourth quarter. Did I care that Ricky Ray's passes weren't as precise as Peyton Manning's? Or that Chad Johnson can run the 40 yard dash in 4.3 seconds and Jermaine Copeland only does it in 4.4? Not at all, I cared about the story of the game, I cared about the hilariously choreographed touchdown celebrations by the Stampeders receiver core (the subject of another article). At the end of the night, I felt every dollar I spent going to that game was worth it. As long as the NFL continues to live up to the "No Fun League" moniker you can mark me down for the brand we play north of the 49<sup>th</sup> in the good ol' CFL.



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Open to All Law Students \* No Password Needed



# EMILY MURPHY: WOMEN'S RIGHT ACTIVIST OR RACIST?

ERYNNE SCHUSTER (2L)

Emily Murphy was perhaps one of the most influential women of the 20<sup>th</sup> century; it was through her determination and perseverance that women's rights were changed forever.

Emily Murphy was born in Cookstown, Ontario in 1868 and was encouraged from an early age to be involved in law and politics. In 1911 she successfully campaigned to get the Dower Act passed in Alberta; in which women were entitled to one third of their husband's property. In 1916, she was appointed the first female police magistrate in the British Empire. As a judge, her qualifications were questioned by Eardley Jackson, a defence lawyer who pointed out that she was not a person as defined under s. 24 of the British North American Act. Ms. Murphy along with Nellie McClung, Irene Parlby, Louise McKinney, and Henrietta Muir Edwards challenged s. 24 of the BNA Act in an effort to have women included as persons under the definition. These five women would later be referred to as "the famous five" in the "Persons" case. They took their challenge all the way to the Supreme Court of Canada. After much deliberation the SCC ruled that women were not persons as defined by the Act. The famous five then took their case to the British Privy Council where it was ruled that women were persons under the Act thus entitled to the same rights and privileges of men. It was after this judgement that women were appointed to the Senate.

Although Emily Murphy is best known for her contributions to women's rights she was also a large supporter of compulsory sterilisation and the Alberta eugenics movement.

Emily Murphy wrote a book under her pen name, Janey Canuck, entitled *The Black Candle*. In this book she claimed the reason for many of Canada's social problems, especially narcotics was the immigration of Chinese, Assyrians, Negroes, and Greeks. In her book she states, "It is claimed also, but with what truth we cannot say, that there is well-defined propaganda among the aliens of colour to bring about the degeneration of the white race, . . . let us punish these foreign immigrants if they deserve it; let us exclude them from our country if our policy so impels, but let us refrain from making them the eternal scapegoats for the sins of ourselves or of our children." Her articles facilitated racial

biases and restlessness. Ms. Murphy was against immigration and believed through compulsory sterilisation, the deviants of society would be abolished. Although the sentiments were spread throughout Canada, her previous fight for women's rights would suggest she was not one to maintain the status quo. Her articles in the *The Black Candle* led to some of Canada's current narcotic laws.

In regards to her support of the eugenics movement she wrote an article in 1932 titled "Overpopulation and Birth Control", in which she states: "... over-population [is a] basic problem of all. . . none of our troubles can even be allayed until this is remedied." She then wrote a petition in which she stated mentally defective children were, "a menace to society and an enormous cost to the state. . . science is proving that mental defectiveness is a transmittable hereditary condition." The Minister of Agriculture and Health, who was very influential in forwarding cases to the Alberta eugenics board, was informed by Ms. Murphy that two female "feeble-minded" mental patients already bred several offspring. She called it "a neglect amounting to a crime to permit these two women to go on bearing children. They are both young women and likely to have numerous offspring before leaving the hospital". Thousands of Albertans were unknowingly

sterilised before the Act was repealed in 1971. In some cases a single IQ test would be enough to qualify for sterilization. Some of the people considered "unfit" to bear children were new immigrants, alcoholics, epileptics, unwed mothers, and the poor and native people. Although it was popular internationally at the time, it was also known that for recessive mental disorders, like does not beget like and there was only a 50% chance of passing on a dominant disorder to offspring. As well many disorders were from childhood diseases such as the German measles.

Who exactly is Emily Murphy? She was extremely influential and changed the role of women in law and politics indefinitely. She was a huge promoter of women's rights, yet prejudiced towards those less fortunate. She went against the grain and would not take no for an answer when it came to achieving equality for women, yet blindly followed the eugenics movement when there was research which suggested it was incorrect or at least flawed. She spoke out for one repressed group yet persecuted another. Was she important to law and women's rights? Definitely, yet she influenced and supported racial unrest and ethnic cleansing. One thing is for sure, she certainly changed many lives.

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## BEFRIENDING UPPER YEAR STUDENTS

ALLISON ENG (3L)

As I patiently waited in line at the Book Cellar today, I casually glanced over at the fellow in front of me who happened to be holding a book that I happened to have in my backpack. Feeling sympathetic towards first year students who have to lay down hundreds of dollars on heavy textbooks, I gently offered to sell the student my used copy of the book for an attractively low price. Buddy/Buddette didn't take it! Apparently, there were some concerns about edition numbers (which was irrelevant in this case), and the book's worn look (ahem, this book belonged to a former LSA President whom even I knew to respect when I was a 1L). Also, the student didn't want to "skimp." Ouch. So I'm cheap and

untrustworthy?

Alright, I'm fine with the part about being cheap, because that's true. But untrustworthy? This loaded law student didn't even give me a chance!

Well, perhaps my dear future colleague will accept my apology. I apologize for boldly initiating a conversation with you in an effort to make your law school experience more welcoming even though being outgoing is not my usual nature. I'm sorry that I steeped so low as to offer you a book that had been previously highlighted and used by other law students who are now pursuing flourishing legal

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# Orientation

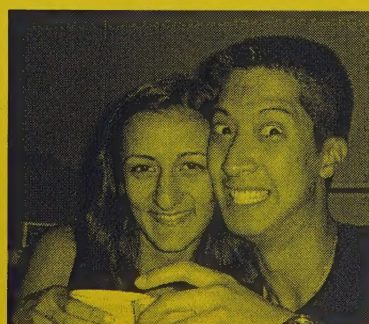
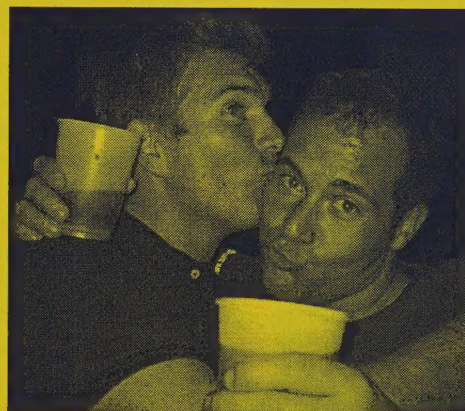
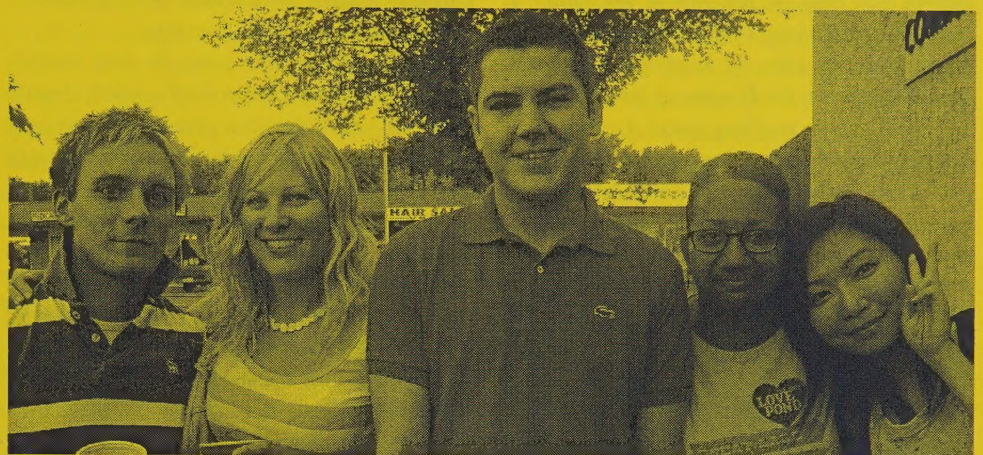
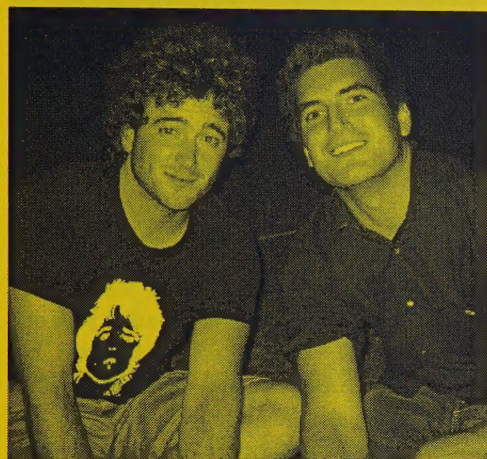
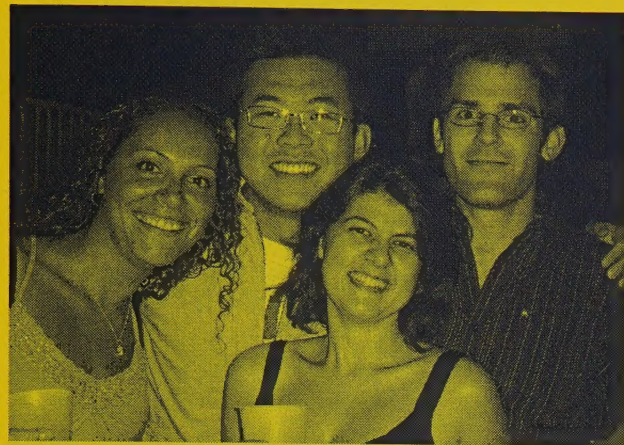
# SOCIAL





# PAGE

## First Friday Back Party



Photos by Vista P, Anuba G, Mariana O, & Mark F



# LIFE AFTER THE MATCH PERIOD

RYAN LEECHIEE (3L)

Ever do something after being told time and time again not to? You know the advice was given with sound mind, but curiosity just got the better of you. For example, flatulence in the shower, you know you shouldn't, but you can't remember why so with extreme caution you do it anyways...and the consequences show themselves readily and immediately.

Lets just say I let one go in the shower this summer... professionally speaking. Time and time again, I heard "don't apply to firms selectively its very competitive and there's chance you may be left out in the cold." I remember scoffing at the advice, and also scoffing at the idea of applying to what I considered to be the B-team of law firms.

Well who's scoffing now? I remember thinking how I wished I applied to that dingy law office in between the crack house and animal shelter. Not because I regret that the class drunk who does not speak english got a job when I did not, but simply because I couldn't afford to keep getting drunk all summer to forget my troubles.

But are we really just talking about the peace of mind that comes with a secured future job? Lets be honest, we're not. Its about bragging rights and egos. It's about feeling that the past two years of being a bookworm has been validated. It's about the light at the end of the tunnel.

All that validation and potential bragging

was dashed in a matter of minutes knowing no job offers were going to be made. With a battered ego and bruised confidence I now knew how a short kid feels at seventeen knowing that he isn't going to get any taller. Reality has a stinging way about it doesn't it my stumpy friend?

Now for the record, I will make it clear to our first and second year peers that not getting a job after the initial match process is not a big deal. About half of you will not have an article after June passes. Does this mean you're a subpar student or lack interviewing skills?

Absolutely, without question.

Don't let people console you, there's probably a reason why some of you will identify with this article and the person to your right or left cannot. And if you think hard enough you can probably find out exactly where it went wrong. Was it your fidgeting during the interview, or simply the racial comment you made about the waiter during the wine and cheese? And if it wasn't any of those things, it was probably the time you used the law firm's washroom and did not wash your hands. Whatever it is has put you on the prolonged road to getting an article.

Despite your minor to major shortcomings all is not lost. The other 50% of jobs are out there somewhere, so keep your chin up champ. Are the bragging rights gone? Yes. Is your legal career in limbo? Definitely not.

# WELCOME 1L's

NEIL BUDDER

DIRECTOR OF STUDENT SERVICES

## Welcome to our first-year students!

I hope that you've had a great first few days here in the Faculty of Law at the University of Alberta and I am confident that there'll be more to come! If you're not from Edmonton, I highly recommend checking out the fabulous arts scene and diverse cultural cuisine that the city has to offer (I have some great Thai and Indian recommendations) - being from Toronto, Ontario, I was pleasantly surprised with these aspects of the city, in addition to a lack of traffic, humidity, and smog!

We've all experienced various transitions in life - learning skills for a new job, bridging the gap from high school learning to undergraduate learning, etc. - and starting law school is just another transition. Below are some resources to help with the transition and enhance the experience:

## Support Services

To help with your transition, Student Services in the Faculty, in collaboration with the elected student Recruitment Committee, organized an Orientation program that provides you with information and the ability to foster relationships with other first- and upper-year students. Though the information is important, it is likely that the relationships with other students, particularly the upper-year students, will help you "learn the ropes" of law school.

The Faculty also has a faculty advisor program (we will email you information shortly - or already have, pending print of this) where a faculty member will take a group of you out for dinner and answer any questions or concerns that you may have. This faculty member will also be a valuable resource in the future for things ranging from course selection to future

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**1Ls!** Do you need advice navigating the treacherous waters that are first year law school? Send us your questions about life, love, and law! Anonymity guaranteed, although we make no representations about the quality of our advice. Actually, it'll probably be terrible, but it makes for good canons material. At any rate, you should write us. [canons@ualberta.ca](mailto:canons@ualberta.ca)



# MEET YOUR PROFESSORS: HEATHER MANWEILLER

ANUBHA GUPTA (2L)



We at Canons would like to take this opportunity to introduce you to Professor Heather Manweiller, one of the Faculty of Law's latest additions. Professor Manweiller will be teaching Legal Research and Writing this year.

Professor Manweiller was raised in Marquette, Manitoba and had always thought she would become a doctor. Her grade 12 English professor however, inspired her to consider a career in law. She credits her professor with encouraging her to debate complex ethical and moral issues.

From then on she knew she wanted to enter a life in law and studied at the University of Manitoba before visiting the University of Alberta for her third year in law. More recently, Professor Manweiller did her LLM at the U of A under the supervision of Dr. Anand. While working with Dr. Anand, Professor Manweiller caught the teaching bug after she was given the opportunity to teach a few of Dr. Anand's first

year Criminal Law classes.

Professor Manweiller's research interests are primarily in Criminal Law. Most recently, she has studied Drug Treatment Courts in Canada. Her teaching interests concern the distinction between active learning and passive teaching. Professor Manweiller would like to encourage students to learn as much as they possibly can through experience.

## Words of Advice:

Professor Manweiller stressed the importance of maintaining a balance in one's life both in law school and in law as a career. She stated that it is best to maintain interests both within and outside of law school to help achieve that ever illusive balance in life. Most importantly, Professor Manweiller states that you should remember to "enjoy your time while you are here" because it will fly by quickly.

# LAW SHOW

KANCHANA FERNANDO (3L)

The theatrical and executive committees of *Law Show* have been hard at work this summer, in preparation for the 12<sup>th</sup> Annual University of Alberta *Law Show*. We are looking forward to a great production in 2007! This year, *Law Show* will take place on January 19 and 20, 2007.

## What is Law Show?

*Law Show* is an annual student-run performance, combined with a gala silent auction. Two performances are held every January, and the entire show is created, performed and produced by over 180 law students, faculty and staff. Planning for this year's show is already underway with our directors and writers busy picking songs, choreographing dances and writing skits. This year's show will follow law students as they attempt to solve the mystery of the kidnapping of a prominent and much-loved faculty member – stay tuned for more details!

Each year during *Law Show*, a Silent Auction is held in conjunction with the performances. Law students assist in recruiting and collecting donations, running the silent auction, as well as working with marketing, media and promotions, box office operations and social events coordination.

## What happens to the proceeds?

All proceeds from *Law Show* and the Gala Silent Auction will go directly to this year's charity, the Nutrition Snack Program, a division of the Edmonton School Lunch Program. Last year's *Law Show* raised over \$10,000 for this worthy charity, which provided over 67,000 snacks for children in Edmonton schools. Since the inception of *Law Show* in 1995, more than \$125,000 has been contributed to worthy community agencies as a direct result of the efforts of law student volunteers.

## How do I get involved?

Come to Clubs Fair on September 12, 2006! We will have sign up sheets for all positions. You can opt to join the dancers, singers, actors, band, or work behind the scenes. **Absolutely no talent or experience is required – just a sense of humor!** Many law students have said that participating in *Law Show* was one of the best (and most fun) ways to meet other students and get involved in a major event in the faculty. **All students, faculty and staff are welcome to join us!**

If you have any questions, please contact the Director, Dale Weston (dpweston@ualberta.ca) or the Producer, Kanchana Fernando (kanchana@ualberta.ca)





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## Dean's Welcome

...Continued from Page 1

from the off-site storage facility at the Bard. I am also delighted that the library was able to relocate one third of the first floor study spaces to the second and third floors. As second and third years noticed last spring, access to the MacLean Reading Room is now restricted to law students and this has gone a long way in alleviating the shortage of quiet study space at exam time.

The University is about to appoint the architects for the MacInnis Centre and intensive planning will be undertaken over the course of the year by the Building Committee, which consists of three faculty members and a student representative.

### Faculty Changes

We are delighted to welcome Professor Steven Penney from the Faculty of Law at the University of New Brunswick. Professor Penny graduated from this law school as the Silver Medalist in 1994 and went on to obtain his LL.M. at Harvard. He then clerked for Justice LaForest at the Supreme Court of Canada. He is a well-known specialist in the Criminal Law field. Professor Cameron Hutchison has joined the full-time faculty after stints as a Belzberg Fellow and as a Visiting Professor. Professor Hutchison obtained his LL.B. at Osgoode Hall and his LL.M. from the University of Nottingham. Last year, he was awarded his doctorate from the University of Toronto and he will be teaching Foundations of Law and Intellectual Property.

The faculty has created two positions in conjunction with the Department of Sociology and the Department of History and Classics. Dr. George Pavlich has assumed the joint position in Law and Sociology and Dr. James Muir has assumed the Law and History appointment. Dr. Pavlich earned his B.A. from the University of Witwatersrand, his M.A. from Simon Fraser and his Ph.D. from UBC. This year Dr. Pavlich will be teaching Jurisprudence and Social Theory, Crime and Justice. Dr. Muir obtained a B.A. from the University of Manitoba and went on to earn a M.Phil at the University of Waikato in New Zealand. Dr. Muir earned his M.A. and Ph.D. in History at York University. Dr. Muir will be teaching Legal History.

Heather Manweiller, who holds a LL.B. from the University of Manitoba and is a LL.M. candidate here has joined Professors Kaulback and Sturm as a Belzberg Fellow in Legal Research and Writing.

Dr. Robert Chambers has left the faculty and been appointed to a hold the Chair in Property Law and Trusts at King's College in the University of London. Professor Trevor Farrow has returned to Toronto to take up a position at Osgoode Hall Law School. We will miss Dr. Chambers and Professor Farrow and wish them well in their new careers. Professor Joanna Harrington has been appointed Scholar in Residence at the Department of Foreign Affairs in Ottawa for a two-year period. In her new position, Professor Harrington will be conducting legal work in relation to the International Criminal Court, the Criminal Tribunal for the former Yugoslavia and the Extraordinary Chambers to the Courts in Cambodia.

Over the course of the summer, Professor Harrington and Professor Russell Brown completed the requirements of their doctoral degrees at Cambridge University and the University of Toronto respectively.

We are already beginning the process of recruiting three new faculty members for next year and students are encouraged to make their views known to the Alanna Adamic who is the student representative on this year's Advisory Selection Committee.

## LSA Welcome

...Continued from Page 1

help you out with the academic side of things, the LSA sells the notes taken by previous academic super-stars, called Condensed Annotated Notes (CANs). Last but not least, it means making sure you guys have fun. At this law school, we work hard, and we play hard (insert C&C Music Factory's *Everybody Dance Now* here). So to help you guys unwind, the LSA has a few rad social and sporting events lined up for the coming year, including the annual law formal, the Carbolec Smoke Ball, and the El Hacko Golf Tournament. Some of our other services include maintaining our student lounge, The Gavel, providing you guys with lockers for those criminally (haha) heavy law books, and issuing out the Who's Who, a totally useful student directory complete with pictures. All this is available for a piddling fee of \$55, which you will get back many times over, I guarantee. Also, unofficially, VP Services 2L Dave Both offers back and shoulder rubs in exchange for whatever food items you may have on you. This is one thing I cannot, in good conscience, recommend you do.

One thing I can advise you do in the next couple weeks is to get involved. There are a lot of phenomenal clubs and organizations at the law school, and your opportunity to sign-up with them is coming up within the next few days. I can't recommend this enough. This a great way to meet the people you'll be spending the next 3 years with. Most of my best memories and best friends in law school have been made through extra-curricular involvement. I know how most of you must feel. With seven courses crowding your schedule, the idea of devoting any time away from studying is less than appealing. But trust me, you will find the time, and it will be worth it. Also, other than nervous crying, having stuff to do outside of class is one of the best ways to deal with academic stress (for those of you prone to the former, I found third stall in the men's bathroom particularly suited to maintaining my privacy).

A wise man once said that "*with great power, comes great responsibility*." That man was Spiderman, and while my acrobatic skills are sub-par at best and my spidey-sense roughly equivalent to that of the slightly intoxicated, I can assure you that I share his philosophy (for you out there that are rushing to point out that it wasn't actually Spiderman who said that, but his Uncle Ben, you won't have any friends if you keep that up. Anyway, he said it at the end of the movie). And while the power that the LSA wields is probably more accurately described as mediocre, we nevertheless feel a great deal of responsibility to ensure that your experience at the law school is an enjoyable one. Feel free to approach anyone on the LSA if you have a question about anything in law school, we'd be more than happy to help with whatever you need. If you can't track us down, I think you'll find that the upper-years and faculty are some of the friendliest bunch of people you'll ever meet, and they'll gladly give any advice you're looking for.

I'm looking forward to getting to know all of you in the upcoming year, starting with the First Friday Back Party, which occurred in between me writing this article and you reading it. I hope it was a good party and you all had a great time (just so you know, for all of you that commenced a budding romance with that attractive girl/boy you've been making eyes at since Orientation, it was most assuredly seen, and will be discussed among your peers for at least a week. Hope you made a good choice). Congrats to all of you for making it to law school, and good luck!



# 1L Essentials

...Continued from page 3

decisions using the same method of trimming the raw data into condensed form. When citing cases here, it is useful to note the level of the court and peculiar facts.

Keep doing this for every concept (use the course syllabus as an organizational aid), and soon it will become your very own CAN. Some students condense their CANs in several phases, which helps them to absorb concepts through repeated review. Others suggest handwriting CANs. Some people decide to split CANing duties; the results for this approach are mixed. It's kinda like how the same cookie recipe can turn out completely unique for two different bakers.

The advantage of organizing your CAN by principle is that it usually flows better. LSA CANs are often organized by case name, which provides an alternate approach for retrieving information. LSA CANs are valuable for confirming your understanding of a principle. They also apparently come from top students, but again, go back to my cookie analogy. If you do purchase LSA CANs, you should be grateful to the VP Academic who spent many hours updating and reorganizing CANs.

## FABS. [Friday Afternoon Beer Socials]

Law school is not meant to be an individual experience. Even if you think that you can make it through law school without any help from your peers, the odds are that you'll be in the same legal community twenty years from now, and at some point you might need a hand. You'll soon forget a good chunk of what you learned in class, but you'll probably remember faces.

FABS is an anchored tradition at the law school, where students and faculty get to mingle over beverages (namely, beer) in the Gavel on a Friday afternoon (it starts around 5:30pm). Obviously, it's an opportunity to meet people from other classes and other years. Some people may not appreciate my next comment, but here goes: mingling and meeting people (aka. here goes – networking) will become an increasingly larger part of your legal career.

Just go - and enjoy yourself.

# Befriending Upper Years

...Continued from page 7

careers. It was most unprofessional. I regret that I invaded your privacy; obviously it made you uncomfortable that I was peering at your books, even though several other students were carrying the exact same stack. Rest assured that most, if not all upper year law students are much friendlier and more trustworthy than I am, and I urge you to forge friendships with them. Even though it didn't work out between us, I sincerely hope that those shiny new

textbooks will reflect upon your performance. You have demonstrated dedication to your legal pursuits, and for that I applaud you.

The best advice that I can offer to you and all 1Ls is this: never let the law swallow up your identity. Law school will cause change in your life; through it all, however, be comfortable and confident with who you are. New friendships will naturally follow.

## Welcome 1L's

...Continued from page 10

goals. The faculty member will email you in the near future to arrange a dinner date.

The University has a plethora of services that are at your disposal. Please visit University Student Services at <http://www.uofaweb.ualberta.ca/student-services/> for more information.

## Enhance the Experience

There are many clubs, organizations, and events, both within the Faculty and the University, that you can get involved with. These will allow you to try new things (like that "Guts and Glutes" class or skiing in the Rockies) or maintain your involvement with current interests. The key is balance. Though it's probably

tempting to sign up for every club at the Clubs Fair (and you will be enticed), make sure you balance any potential future commitments with your current priorities such as a personal life, your significant others and children, and, of course, academics.

Overall, I'm confident that you will enjoy your experience here in the Faculty of Law at the University of Alberta. Keep plugged into the information (i.e. check your UofA email, the plasma screen, "under glass", the bulletin board, and the Career Development site) and feel free to come to me, or any other staff or faculty members, with any questions or concerns.

THIS YEAR'S HOCKEY POOL RESULTS SPONSORED BY:

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The Law Hockey Pool returns for the 2006-2007 school year!

As per previous years, results will be available in both the Canons and on our website. The Law Hockey Club will be selling pools for \$10 each, with proceeds going to support their endeavors throughout the year.

1st Prize: \$200  
2nd Prize: \$150  
3rd Prize: \$100  
4th Prize: \$50

Compete against your friends and classmates and assemble your own dream team.

Further details will follow in the coming weeks. Keep an eye on the bulletin board or contact Law Hockey President Chris Bruce ([cbruce@ualberta.ca](mailto:cbruce@ualberta.ca)) for more information.



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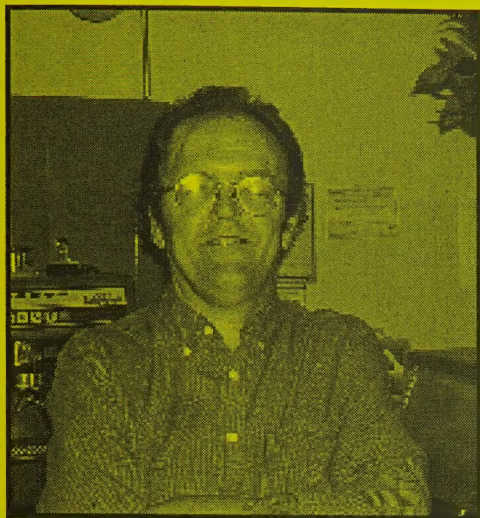
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# LAW GUY: STEVE



Name: Stephen McDiarmid  
Position: Owner of Hello My Friend Café

What did you do this summer?

*I set up the shop and I grew grains in Saskatchewan on my farm.*

Where were you born and raised?

*I was born in Vancouver, and lived all over western Canada and the Arctic.*

What is one memorable moment you remember from your childhood?

*As a kid milking cows on the farm. When I was five I realized I wanted to be a farmer while milking cows, and so that to me was memorable because I could picture it in the barn. I became a farmer 6 years ago, I left the computing science career and went farming to pursue one of my life long dreams.*

If you could meet one famous person dead/alive who would it be and what kind of outing would you choose?

*Paul Robeson, the famous American singer/activist and sports star and lawyer, who was black listed by McCarthy. And I would just like to go hear him sing some activist songs.*

After 21 years of dealing with the law school what professor has left a lasting impression on you and why?

*When family law Professor Palaucek was on the way to his last class before retirement he said to me "the*

*biggest change in the last 30 years has been the increase of status of women". I thought that represented 30 years of wisdom.*

What would you describe as your personal motto?

*Hello my friend! Which means try to be nice to everyone.*

If you could describe the typical law student in one word what would it be?

*Aspiring.*

What advice do you have for law students?

*I would say keep up your excellence with community service like with SLS.*

## TIRED AND HUNGRY?

Come see Steve at the new "Hello My Friend Café", located at the far end of the Gavel. Steve has a great selection of coffee and baked goods, and is open before, during and after classes.

Name: Renée Hunt  
Position: Distribution Centre Administrator

What did you do this summer?

*I worked. But I went to California twice.*

Where were you born and raised?

*Born and raised and I have been here all my life!*

What is one memorable moment from your childhood?

*I always like getting my glass slippers at Christmas time!*

If you could meet one famous person dead/alive who would it be and what kind of outing would you choose?

*Michelangelo, the sculptor. I would love to be able to talk to him and hear any type of explanation, more specifically the creation of Adam in the Sistine Chapel in Rome.*

After 6 years of working with the law school what professor has left a lasting impression on you and why?

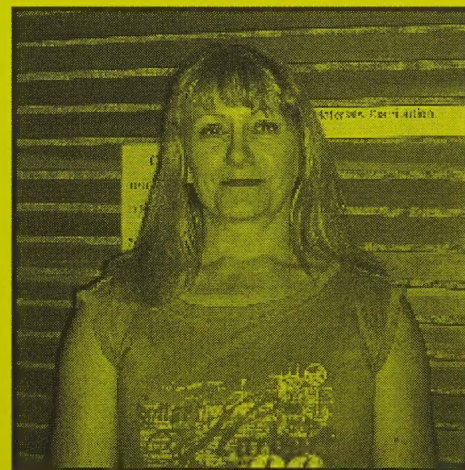
*Professor Hopp. He is very much for the students. I find that most of the students really like him.*

What would you describe as your personal motto?

*I would like to be able to describe it as do unto others as you want done to you, I do find that works really well.*

If you could describe the typical law student in one word what would it be?

*Poor. Because I know how much you have to spend here. As far of the law students, I am really grateful for the law students. I really appreciate the students and that is what I am here for, they treat me the best, and I really am thankful for them.*



What advice do you have for law students?

*To stay real. Don't let the whole idea of becoming a "lawyer" change your personality.*

Photos by Mariana Oliveira



# SEPTEMBER CALENDAR OF EVENTS

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 Pre-Orientation Party	5 Orientation for 1L	6	7 Golden Bearristers Rugby Club - Informal Kick at Kinsmen Park at 4:30pm	8 Pickup Hockey: 2:45-4:15pm Clare Drake Arena (and every Friday following)  First Friday Back Party	9
10	11 Men's Rugby begins Mon/Thurs 5:30-7pm  Women's Law Forum BBQ	12 Clubs Fair 12-2pm  Brimacombe Moot Info Meeting  SLS Wine&Cheese	13 BC Firm Q&A 2pm CN Alumni Hall	14 Canons Info Meeting Noon - Gavel	15 LSA El Hacko Golf	16
17	18 Brimacombe Selection Round	19 Brimacombe Selection Round	20 Brimacombe Selection Round  LSA 1L Elections	21 Philip Girard: Laskin's Biography Room 231/237	22	23 Law's a Beach Softball Tournament
24	25	26	27	28 Prof. Yves Daudet & EduDroit Program Room 101  Q&A Toronto Firms 12-1pm	29	30

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